



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF CALENCE, LLC F/K/A CALENCE, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 11-103
Comp. Pol. File No. 995

Comments Due: July 22, 2011

Section 214 Application

Applicant: Calence, LLC f/k/a Calence, Inc.

On June 3, 2011, Calence, LLC f/k/a Calence, Inc. (Calence or Applicant), located at 1560 W. Fountainhead Parkway, Second Floor, Tempe, AZ 85282, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue certain domestic telecommunications services in New York. On June 27, 2011, Calence filed an amendment in order to correct certain deficiencies in its initial application and update the record regarding affected customers. Accordingly, Calence's application is deemed complete as of June 27, 2011.

Calence indicates that it currently offers telecommunications services as a Competitive Local Exchange Carrier (CLEC) in New York, New York. Calence specifically states that it has been providing telecommunications services to a select number of tenants in the Time Warner building in New York, New York pursuant to an arrangement with the owners of the building. Calence claims, however, that the owners of the Time Warner building notified Calence in December of 2010 that they no longer want to continue their arrangement with Calence as the service provider to tenants in the building. According to Calence, the owners originally requested that Calence cease operating as the telecommunications provider to tenants in the building on April 10, 2011, but have since extended that date to July 10, 2011. Calence indicates that it, therefore, seeks to discontinue offering telecommunications services and operating as a CLEC in New York, New York on July 10, 2011, subject to Commission approval of the application. Calence maintains that the public convenience and necessity will not be adversely affected by the proposed discontinuance because there are competing carriers in the marketplace. Calence indicates that it originally informed affected customers of the proposed discontinuance by letters sent on December 27, 2010, and that these letters included references to the originally proposed April 10, 2011 date, information for transitioning to alternative providers, and information for contacting the New York State Department of Public Service. Calence states that it has sent additional correspondence to all customers on regular intervals since then, and that it has provided support services to customers to assist in transferring service to other carriers. Calence asserts that it has been working with the New York State Public Service Commission to allow for a smooth discontinuance of service for all customers and that all affected customers have successfully transitioned to alternative services as of June 27, 2011. Calence acknowledges that its application will be processed under the Commission's rules for non-dominant carriers.

We seek comment on Calence's proposed discontinuance of services, including the steps it has taken to notify customers, in light of the notification procedures prescribed in section 63.71(a) of the Commission's rules. In accordance with section 63.71(c) of the Commission's rules, Calence's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies Calence that the grant will not be automatically effective. In its application, Calence indicates that it plans to discontinue offering telecommunications services and operating as a CLEC in New York, New York on July 10, 2011, subject to Commission approval of the application. Accordingly, pursuant to section 63.71(c) and the terms of Calence's application, absent further Commission action, Calence may discontinue offering telecommunications services and operating as a CLEC in New York, New York on or after **August 7, 2011**. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **July 22, 2011**. Such comments should refer to **WC Docket No. 11-103 and Comp. Pol. File No. 995**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number.

Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at

FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Kimberly Jackson, (202) 418-7393 (voice), kimberly.jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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